

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Document # \_\_\_\_\_

9

Dreyer

-V-

Sillerman et al

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 08-cv-4592

JUDGE: KMW

DATE: AUGUST 22, 2008

## **INDEX TO THE RECORD ON APPEAL**

**PREPARED BY (NAME):** THOMAS R. PISARCZYK *S. D. OF N.Y.*  
**FIRM:** U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK  
**ADDRESS:** 500 PEARL STREET, ROOM 370  
NEW YORK, NEW YORK 10007  
**PHONE NO.:** (212) 805 - 0636



**DISTRICT COURT DOCKET ENTRIES** -----

**DOCUMENT DESCRIPTION** **DOC. #**

**CLERK'S CERTIFICATE**

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

( ) Original Record

(      ) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 22<sup>nd</sup> Day of August, 2008.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Myers

-V-

Sillermann

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 08-w-4592

JUDGE: KMW

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## **Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 7, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

### Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York,  
this 22<sup>ND</sup> Day of August In this year of our Lord, Two Thousand and Eight, and the Independence of the  
United States this 233<sup>RD</sup> year.

**J. Michael McMahon, Clerk**

By

Deputy Clerk

APPEAL, CLOSED, PRO-SE

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-04592-KMW**  
**Internal Use Only**

Myers v. Sillbermann et al  
Assigned to: Judge Kimba M. Wood  
Cause: 42:1983 Civil Rights Act

Date Filed: 05/19/2008  
Date Terminated: 05/19/2008  
Jury Demand: Plaintiff  
Nature of Suit: 550 Prisoner: Civil Rights  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
05/19/2008	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Scott Myers.(mbe) (Entered: 05/19/2008)
05/19/2008		Magistrate Judge Andrew J. Peck is so designated. (mbe) (Entered: 05/29/2008)
05/19/2008	2	ORDER OF DISMISSAL; for the reasons set forth below, the Court (i) grants plaintiff's request to proceed in forma pauperis, (ii) denies plaintiff's request to sign the order to show cause, (ii) dismisses this action, and (iv) orders the Clerk of Court to place the complaint and request for order to show cause UNDER SEAL. Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. 1915(a)(1), is dismissed for lack of asserting claims against parties as moot. The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. SO ORDERED. (Signed by Judge Kimba M. Wood on 5/19/2008) (mbe) (Entered: 05/29/2008)
05/19/2008	4	JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 5/19/08) (laq) (Entered: 05/30/2008)
06/03/2008		Received returned mail. Mail was addressed to Scott Myers at MDC 125 White Street, NYC 10013 and was returned for the following reason(s): Returned To Sender. (ama) (Entered: 06/03/2008)
06/05/2008	5	NOTICE OF CHANGE OF ADDRESS by Scott Myers. New Address: 6000 Main Street, Apt. #3, Tanneusville, New York, 12485.. (pl) (Entered: 06/09/2008)
06/06/2008		PRO SE MEMORANDUM dated 6/5/08. A copy of document # 2, 4, was not re-mailed to the plaintiff/petitioner because no new address provided to the Court. (tro) (Entered: 06/06/2008)
07/25/2008	6	ORDER: Accordingly, plaintiff's motion to reargue is DENIED, and the complaint filed in forma pauperis under 28 U.S.C. 1915(a)(1), remains dismissed for lack of subject matter jurisdiction, failure to state a claim upon which relief may be granted, for asserting claims against parties immune from suit, and for improper venue. See F.R.C.P. 12(b)(1), (3) and 12(h)(3); 28 U.S.C. 1915(e)(2)(B)(ii),(iii). Both the complaint and request for order to show cause shall remain under seal and the June 17, 2008 motion to reargue shall be placed under seal. Plaintiff is hereby prohibited from filing any further documents under this action's docket number, other than a notice of appeal, and the Clerk of Court shall return to plaintiff any document violating this order. The Court certifies pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 7/25/2008) (jpo) (Entered: 07/28/2008)
08/01/2008	7	NOTICE OF APPEAL from 6 Order. Document filed by Scott Myers. (tp) (Entered: 08/22/2008)
08/01/2008		Appeal Remark as to 7 Notice of Appeal filed by Scott Myers. \$455.00 APPEAL FEE DUE. IFP REVOKED 7/25/08.(tp) (Entered: 08/22/2008)
08/22/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 7 Notice of Appeal. (tp) (Entered: 08/22/2008)
08/22/2008		Transmission of Notice of Appeal to the District Judge re: 7 Notice of Appeal. (tp) (Entered: 08/22/2008)